IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1023 OF 2005.
IN
FIRST APPEAL NO. 456 OF 2005.

K.J.Construction Company. ... Applicant.

V/s.

M/s. Vijaya Enterprises. ... Respondent.

Shri D.H.Mehta i/b Uttam Q. Tahiliani, advocate for Applicant.

Shri Sandesh Deshpande, advocate for Respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE,JJ

DATE : MARCH 29,2005.

P.C. :

1. Heard both the learned counsel for the parties.

2. The learned counsel for the applicant has made a statement that he is ready to deposit 50% of the decretal amount and stay in respect of 50% of the decretal amount may be granted. The learned counsel for the respondent vehemently opposed to grant of such stay. We have perused the Judgment and order. Prima facie, we have noticed that there are errors in arithmetical calculations, even if agreed rate of construction per square feet is taken into

consideration alongwith the total quantity of construction carried out by the respondent. There are other points in respect of extra work also. Therefore, in spite of the vehement opposition, we are inclined to stay the decree in respect of the 50% amount. We therefore, pass following order.

ORDER

(i) There shall be stay to the execution of the Judgment and decree dated 7/10/2004 passed in Special Civil Suit No.529 of 1997 till the disposal of this appeal, on the condition that the applicant deposits 50% of the decretal amount alongwith interest within a period of 8 weeks from today.

(ii) Civil application is disposed off accordingly.

(iii) Parties to act on the authenticated copy of the order.

(D.B.BHOSALE,J) **(S.B.MHASE,J)**

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